

## MINUTES

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

4/21/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CRIMINAL 05-00248JMS-BMK-02 & 03  
CASE NAME: United States of America vs. Robert Alexander Sigouin & Kevin Patrick Cash  
ATTYS FOR PLA: Mark A. Inciong  
ATTYS FOR DEFT: Robert Sigouin - Pro Se  
Glenn D. Choy - Stand by Counsel  
Mary Ann Barnard

## INTERPRETER:

JUDGE: J. Michael Seabright

REPORTER: Sharon Ross

DATE: 4/21/2006

TIME: 9:10 - 12:00 3:00 - 3:30

## COURT ACTION: Various Motions:

Defendant Robert Alexander Sigouin present in custody with standby counsel Glenn D. Choy.

Defendant Kevin Patrick Cash present with counsel Mary Ann Barnard.

## Government's Motion in Limine:

1. Limit Defendant's comments in opening statement to those which will be shown at trial GRANTED.
2. Preclude or limit the testimony of defense witnesses who have no personal knowledge of any relevant evidence - DENIED AS MOOT.
3. Preclude improper closing argument in penalty or sympathy GRANTED.
4. Admit expert testimony - DENIED AS MOOT.

Page 2

Criminal 05-00248JMS-BMK

U.S.A. vs. Robert Alexander Sigouin & Kevin Patrick Cash

April 21, 2006

**Defendant Kevin Patrick Cash Motion in Limine:**

1. Jury Selection, Opening, Closing Recorded: Directing the Court reporters to record (a) Jury Selection, (b) Opening Statements, and (c) Closing Arguments in this case GRANTED.

2. Witness Exclusionary Rule: An Order invoking FRE Rule 615 with instructions to all parties and witnesses for the parties and government not to violate the rule GRANTED.

3. Offers of Proof: Order instructing the government to make all offers of proof under FRE 103(3) at the bench and out of the hearing of the jury GRANTED.

4. Exclusion of Evidence: Order excluding and precluding from use at trial the following evidence which the government may attempt to adduce:

(a) Testimonial or documentary evidence relating to the defendant's prior criminal record under FRE 609(b) and 404(b) GRANTED.

(b) Testimonial or documentary evidence relating to any other "bad acts" involving the defendant under FRE 404(b) including testimony that defendant illegally purchased .357 magnum revolver on the street, and testimony as to firearms and ammunition found in defendant's closet other than the charged in Count 3 of the Second Superseding Indictment GRANTED IN PART , WITHDRAWN IN PART.

(c) Testimonial or documentary evidence relating to any unfavorable evidence against defendant which may not technically be considered "bad acts" under FRE 404, but which should nevertheless be excluded as irrelevant under FRE 402, or as unfairly prejudicial under FRE 403, including testimony that defendant admitted he previously had purchased heroin from co-defendant Sigouin GRANTED.

1. Hearsay from California Special Agent Jonathan Sherwin regarding information received (apparently from Giselda Perez Medina) on May 28, 2005 regarding Rosas Guerrero's trip to Hawaii GRANTED IN PART; ALLOW FOR LIMITED PURPOSE.

2. Hearsay from Agent Pete Dias regarding statements made to him by Rosas Guerrero in his interview with her on 5-29-05 GRANTED.

Page 3

Criminal 05-00248JMS-BMK

U.S.A. vs. Robert Alexander Sigouin & Kevin Patrick Cash

April 21, 2006

3. Hearsay from Rosas Guerrero during Pete Dias interview with her relating what was said to her in cell phone calls she received. For example, any hearsay from Ruby Perez to Rosas Guerrero on a cell phone on May 25, 2005 saying "Bob and Kevin are out." Also, heresay from Ruby Perez that Ruby told Rosas Guerrero her (Ruby's) mother was arrested in Hawaii, but not to worry about it GRANTED IN PART AND DENIED IN PART.

4. Any hearsay from investigators interviewing defendant that is not recorded and transcribed for accuracy. For example, defendant is reported as telling his interviewers that he had last seen co-defendant one year ago, whereas defendant claims he said since 2001. Any unverifiable misquote from the interview of defendant would force him to waive his right to remain silent DENIED.

(e) All statements made by the defendant to the government agents prior to trial, and statements and commentary by the government agents upon the defendant's utterances WITHDRAWN.

(f) Any comment, inquiry, or testimony upon the defendant's post-arrest silence prior to trial, or any comment, inquiry, or testimony upon the defendant's invocation of his right to remain silent during trial GRANTED.

(g) Any reference to a "lie detector test" requested by the government as to any alleged coconspirator WITHDRAWN.

**Defendant Robert Alexander Sigouin's Motions:**

#162 Petition in Support of Mandatory Judicial Notices Submitted in Case # CR 000005-00248JMS DENIED.

#153 Mandatory Judicial Notice of Prejudice Discrimination of Robert Alexander Sigouin DENIED BY BMK.

#132 Mandatory Judicial Notice of Fabrication of Evidence by the FBI and Mark A. Inciong Esq. AUSA, and Withholding Evidence by the FBI DENIED.

#129 Mandatory Judicial Notice of Denial of 1<sup>st</sup> and 14<sup>th</sup> Amendment Right by FDC Honolulu and Petition for Immediate Dismissal of Robert Alexander Sigouin DENIED.

#124 Mandatory Judicial Notice of Denial of 8<sup>th</sup> Amendment Rights of Robert Alexander Sigouin and Petition for Immediate Release of Robert Alexander Sigouin DENIED BY

BMK.

Page 4

Criminal 05-00248JMS-BMK

U.S.A. vs. Robert Alexander Sigouin & Kevin Patrick Cash

April 21, 2006

#122 Mandatory Judicial Notice of Vindictive Prosecution, Violation of Speedy Trial and Petition for Immediate Dismissal of Case #CR 05-00248JMS DENIED.

#219 Mandatory Judicial Notice of Vindictive Prosecution DENIED.

#185 Motion for Pretrial Hearing on Admissibility of Co-conspirator Statements DENIED.

#154 Mandatory Judicial Notice of Petition for Immediate Release of Robert Alexander Sigouin DENIED BY BMK.

#143 Mandatory Judicial Notice Concerning Glenn Choy Attorney at Law DENIED BY BMK.

#128 Motion to Proceed In Forma Pauperis DENIED.

#218 Motion of Denial of Constitutional Rights DENIED.

3:00 p.m. to 3:30 p.m

Defendant Robert Alexander Sigouin present in custody with standby counsel Glenn Choy.

Mary Ann Barnard and Kevin Patrick Cash's presence waived.

CST: Richard Kawana

Jury selection to commence on Tuesday, April 25, 2006 at 9:00 a.m.

Submitted by: Dottie Miwa, Courtroom Manager

